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ECOSWIRE

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Budget

FY15 Funding Request: U.S. EPA and STAG Down, Categorical Grants Up

On Tuesday, President Obama issued a Budget Request for FY15 that seeks a total of \$7.89B for U.S. EPA, down 3.8% from the \$8.2B appropriated by Congress in FY14. State and Tribal Assistance Grants (STAG) are proposed at \$3.01B, 15% less than the \$3.54B FY14 congressional appropriation.

STAG includes funding for the Clean Water State Revolving Funds at \$1.018B, \$431M less than the FY14 congressional appropriation, and for Drinking Water State Revolving Funds at \$757M, \$150M less than the FY14 appropriation.

The budget request also seeks funding within STAG for 17 Categorical Grants. The request includes no funding for the Diesel Emissions Reduction Assistance and Radon and Beaches Protection grant programs under STAG. FY14 congressional appropriations for these three programs totaled \$37.6M.

Categorical Grants funding overall is proposed for an increase of \$76M, up 7.2%, with a net increase to states of \$45M (the remainder is targeted to tribal support). Key increases are proposed to Section 106/pollution control (up \$18M/8%), environmental information (up \$16M/166%), air (up \$15M/6.6%), public water system supervision (\$7.7M/7.6%), and Section 319/nonpoint (up \$5.7M/3.6%). Another core state grant, Hazardous Waste Financial Assistance, is down slightly by \$89,000/0.1%. The funding request for Brownfields projects under STAG (as opposed to the Brownfields grant program under Categorical Grants) is reduced by \$5M from the FY14 appropriation.

While the FY14 request did not contain rescissions, the FY15 request includes rescissions of \$5M. States previously have sought EPA support to stop including rescissions in requests for new appropriations funding.

If the FY15 request were enacted, STAG would decline from 43% of EPA's total budget to 38%, and Categorical Grants would increase to 14% of EPA's total budget from 12.9%.

Funding for the E-Manifest is sought at \$10.4M (up \$6.7M or 184%). For E-Enterprise, the request seeks an increase over the FY14 appropriation of \$63M and an additional 12.9 FTE (current funding is \$6.9M/27.9 FTE). Included in the requested \$63M increase is the \$15.7M increase for Environmental Information Categorical Grants. [Graves]

Hill News

ECOS Joins with Other Associations on Chemical Storage Tank Bill Letter

On Wednesday, ECOS and four other associations wrote to leadership of the Senate Environment and Public Works Committee requesting further discussion with states prior to any legislative response related to the chemical spill in West Virginia's Elk River. The letter is in response to the proposed Chemical Safety and Drinking Water Act of 2014 put forward by Senator Joe Manchin (D-WV) and cosponsored by Senators Jay Rockefeller (D-WV) and Barbara Boxer (D-CA).

The letter acknowledges the need to examine the current federal, state, and local statutory and regulatory network to determine what additional steps may be warranted. However, the groups cite a need to complete an assessment of current authorities and programs before determining which statute and/or program should be amended or enhanced, or whether the solution lies in enhancing the use of existing authorities. The signatories offered to work with Congress to share their knowledge and experience in order to develop a workable response to the spill.

The Association of Clean Water Administrators, the Association of State Drinking Water Administrators, the Association of State and Territorial Solid Waste Management Officials, and the Association of State Health Officials signed on to the letter along with ECOS. A copy of the letter is available at: <http://www.ecos.org/>. [Hanson]

House Passes Bill Curtailing U.S. EPA GHG Authority

The U.S. House of Representatives on Thursday passed the Electricity Security and Affordability Act on a 229-183 vote. The bill, HR 3826, would virtually eliminate U.S. EPA's authority to regulate carbon dioxide emissions from the power sector. Companion legislation in the Senate sponsored by Joe Manchin (D-WV) faces an uphill battle, and President Obama has threatened to veto any such legislation. Under the President's Climate Action Plan, EPA has new source performance standards limiting emissions from future power plants, and is slated to propose emission guidelines limiting emissions from existing power plants this June (see February 7 edition of *ECOSWIRE*). Text of the bill is available at <http://thomas.loc.gov/cgi-bin/query/z?c113:H.R.+3826:>. [Tyler]

Air

U.S. EPA Issues Final "Tier III" Fuel and Vehicle Standards

U.S. EPA on Monday issued its final suite of regulations that will lower sulfur content in fuels by two-thirds starting in 2017, and tighten tailpipe emission standards for model year 2017. Automakers welcomed the timing, although refiners and others oppose the costs of compliance, stating flexibilities in the final rule are still inadequate. Health groups and others have supported the changes (see February 7 edition of *ECOSWIRE*). Information about the rules is available at <http://www.epa.gov/otaq/tier3.htm>. [Tyler]

Water

Senate Committee Republicans Still Object to Obama EPA Water Nominee

This week, Senators John Barrasso (R-WY) and David Vitter (R-LA) of the Environment and Public Works Committee released a Dear Colleague letter opposing the nomination of Kenneth Kopocis to be the Assistant Administrator for U.S. EPA's Office of Water. Since President Obama nominated Kopocis in 2011, the Senators have said their concern is "Kopocis' involvement in EPA's attempt to significantly expand its authority under the CWA."

The letter states, "The upcoming vote on Kenneth Kopocis to lead EPA's Office of Water is an opportunity to make clear that you are not simply rubberstamping the President's policies when it comes to expanding EPA's reach over our nation's waters."

Additional signatories to the letter are Senators James Inhofe (R-OK), Mike Crapo (R-ID), Roger Wicker (R-MS), and Deb Fischer (R-NE). More information and a link to the letter can be found [here](#). [Garrigan]

U.S. EPA Finalizes ELG for Stormwater Runoff from Construction

U.S. EPA has finalized its changes to the 2009 Final Rule (40 CFR 450) addressing stormwater discharges from the Construction and Development (C&D) point source category. The rule is nearly identical to the 2013 draft.

The 2014 rule provides clarifications on applicability; flexibility for permitting authorities to implement some of the rule requirements and for permittee compliance; and the requirement for permittees to provide and maintain buffers around many surface waters at construction sites to reduce downstream siltation and flooding. Final Rule: 79 FR 12661, (3/6/2014) (PDF), Fact Sheet (PDF). [Garrigan]

Planning

Series of Calls Planned on Draft FY15 Addendum to FY14 NPM Guidance

New Date Set for State-OECA Call

On March 17, EPA is scheduled to release its draft FY15 Addendum to the FY14 National Program Manager (NPM) Guidance documents. The Addendum, expected to be 12 pages or less, will include EPA's "exceptions-based" changes to the FY14 NPM Guidance. This is part of EPA's transition to a two-year NPM Guidance process to begin in FY 2016-2017.

For the past several years, state-EPA calls have been held during the review and comment period with EPA's air, water, waste, and compliance offices to allow EPA to share with states an overview of the draft documents, note possible impacts to states may be, and allow states to ask questions.

The schedule of state-EPA calls on the draft FY15 Addendum follows (times are Eastern):

Tuesday, March 18, OW 1-2 p.m., [1-866-299-3188](tel:1-866-299-3188); Participant Code: 202-564-0516

Wednesday, March 19, OAR 1-2 p.m., [1-866-299-3188](tel:1-866-299-3188); Participant Code: [202-564-2915](tel:202-564-2915)

Wednesday, March 26, OECA 1-2 p.m., [1-866-299-3188](tel:1-866-299-3188); Participant Code: 0872138# (*Please note that the OECA call had previously been scheduled for Thursday, March 20 at 2 p.m. Eastern.*)

Wednesday, March 26, OSWER 2-3 p.m., [1-866-299-3188](tel:1-866-299-3188); Participant Code: [202-564-5767](tel:202-564-5767)

States are encouraged to make plans to participate and to share this schedule as appropriate within their agencies.

For more information, please contact Beth Graves at bgraves@ecos.org or Marc Vincent at Vincent.marc@epa.gov. [Parisien]

Reminder: Please Share State Continuity of Operations, Cyber Plans

States are reminded to please share information about their continuity of operations plans, even if limited to only the structure or template for plans if some of the information is confidential. States are also asked to please share how they may be addressing potential cyber disruptions. These requests relate to the ECOS Planning Committee discussion at the upcoming Spring Meeting on “how to plan for the unplannable.” Please send information to Beth Graves at bgraves@ecos.org. [Parisien]

Compliance

U.S. EPA to Host Webinar to Demonstrate NPDES e-Reporting Tool

On **Thursday, March 20 at 1 – 2 p.m. Eastern**, U.S. EPA will host a webinar for states to demonstrate its new National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Tool (NeT). EPA’s tool is a reporting system states may consider using related to the proposed NPDES Electronic Reporting rule. States are encouraged to make plans to participate to learn more.

The CROMERR-approved electronic reporting tool uses commercially available and flexible software to collect and process NPDES data. EPA is currently using this tool to collect and manage Notices of Intent (NOIs) for coverage under EPA’s Offshore Oil & Gas NPDES General Permit for the Western Gulf of Mexico. Through NeT, facilities can submit data electronically to EPA’s ICIS-NPDES database. The electronic version also automatically establishes the permittee in ICIS-NPDES and sets up the permit limits and reporting requirements.

Since deploying NeT in October 2012, Region 6 has realized a variety of benefits. For example, EPA staff no longer must manually enter data for NOIs, Notices of Termination, or limits. Data entry has been decreased by approximately \$225,000 per year by deploying the NeT. EPA has included a two-page fact sheet on this tool in the proposed NPDES Electronic Reporting rule docket.

Details for participating in the webinar are expected soon. States interested in participating should contact Beth Graves at bgraves@ecos.org. [Graves]

ITRC

Proposals Requested for 2015 Projects in the Remediation Area

The Interstate Technology & Regulatory Council (ITRC) requests proposals for 2015 ITRC projects on specific topics in the remediation area. Please see the ITRC website under About ITRC-Planning page at <http://itrcweb.org/About/Planning> for information and forms.

Proposals are due electronically to ITRC Director Anna Willett at awillett@ecos.org by **Friday, May 2 at 5 p.m. Eastern** using the materials located at the link above. Proposals should have a well-focused scope that ITRC can address and should be technical in nature rather than policy-oriented or a research or demonstration project. [Willett]

Transitions

Cash to Succeed Kimmell at Massachusetts DEP

The Administration of Massachusetts Governor Deval Patrick announced this week the appointment of Department of Public Utilities (DPU) Commissioner David W. Cash to succeed Kenneth Kimmell as Commissioner of the Department of Environmental Protection (MassDEP). Kimmell is departing the agency to become President of the Cambridge, Massachusetts-based Union of Concerned Scientists (UCS).

Cash has served in state government for a decade. Prior to his role at the helm of the DPU, he was Undersecretary for Policy with the Massachusetts Executive Office of Energy and Environmental Affairs (EEA). He was one of the architects of signature clean energy legislation, including the Green Communities Act, the Global Warming Solutions Act, the Green Jobs Act, and the Clean Energy Biofuels Act.

Kimmell worked for more than three years as head of MassDEP, and before that, as EEA General Counsel. He was a leader in forging an agreement among nine states to lower carbon emissions through the Regional Greenhouse Gas Initiative. Other successful initiatives while at DEP were: launching an organics plan, developing a sustainable water management initiative, securing funding for an IT overhaul, conducting a top-to-bottom regulatory reform, implementing a nation-leading plan for reducing nutrient pollution on Cape Cod, and fostering innovative compliance monitoring strategies.

Kimmell leaves MassDEP on March 25 and will take some time off to spend with his family before beginning his new role at UCS. [Parisien]

Regalbuto Nominated to Head Nuclear Cleanup at DOE

On Thursday, President Obama nominated Monica Regalbuto to serve as the next Assistant Secretary of Energy for Environmental Management. If confirmed by the Senate, Regalbuto would lead the agency's efforts to clean up the nation's nuclear weapons complex. DOE's Office of Environmental Management has been without a Senate-confirmed Assistant Secretary since the departure of Ines Triay from that position in July 2011.

For the past three years, Regalbuto has served as Deputy Assistant Secretary for Fuel Cycle Technology in DOE's Office of Nuclear Energy. Her current portfolio includes oversight of the agency's Office of Used Nuclear Fuel Disposition, Research, and Development. [Jones]

ECOS Spring Meeting

California Governor Brown, U.S. EPA's Perciasepe Confirmed for Keynotes *144 Registrants, 44 Member States Set to Attend Spring Meeting*

A new version of the March 31-April 2 Spring Meeting agenda (the fifth draft) was posted today. Among the changes from the previous version are the confirmation of California Governor Jerry Brown for the March 31 keynote address (though his schedule is fast-changing) and a change in the April 1 keynote speaker from U.S. EPA Administrator Gina McCarthy to Deputy Administrator Bob Perciasepe. In addition, a closed EPA "Budget 101" breakfast session has been added on April 2, and the closed EPA breakfast session on hydraulic fracturing has been moved from April 2 to March 31.

Due to meeting room size constraints, ECOS may soon have to close registration, so members who have not yet registered are encouraged to do so without delay.

The 100-room ECOS block at Cavallo Point Lodge has sold out, and group rate rooms for these nights will become available only if there are cancellations. Alternate hotel arrangements may be made at [Casa Madrona](#), which has a limited special offering of three nights for the price of two, [Hotel Sausalito](#), [Gables Inn](#), [Inn Above Tide](#), or other downtown Sausalito properties. Request non-water views for the lowest rates. Cavallo Point Lodge provides complimentary shuttle service at certain times of the day to downtown Sausalito, which is a mile away. Cab service can also be arranged.

Please contact Lia Parisien at lparsien@ecos.org before cancelling any or all room nights so that the group rate can be transferred to another ECOS attendee.

Full meeting information is available at <http://ecos.org/section/events/?id=4919>. For additional information on the agenda or hotel, please contact Lia Parisien at lparsien@ecos.org. For registration information, contact Layne Piper at lpiper@ecos.org. [Parisien]

ECOS Calls

Compliance Committee

The Compliance Committee will hold a call on **March 18 at 4 – 5 p.m. Eastern**. The agenda will include updates from U.S. EPA and preparations for the Spring Meeting. More information will be sent to the committee prior to the call. [Hanson]

Cross-Media Committee/Vice Chair Election

The Cross-Media Committee will hold its next conference call on **March 11 at 2 – 3:30 p.m. Eastern**. On the call, the committee will continue its review of the draft resolution on Chemical Alternatives Assessments. It also will finalize preparations for the Spring Meeting, which will feature an open discussion of state chemicals management programs and experiences and prospects for reform of the federal Toxic Substances Control Act. Also on the call, members will elect a new Vice Chair. Please contact Matt Jones at mjones@ecos.org if you wish to join the committee. [Jones]

Planning Committee

The Planning Committee will hold its next call on **March 13 at 3 – 4:30 p.m. Eastern**. Agenda topics will include the FY15 President's Budget Request; the upcoming FY15 Addendum to the FY14 National Program Manager Guidance documents and state-EPA calls with air, water, waste, and compliance offices; U.S. EPA responses to the Office of Inspector General regarding oversight of delegations to states and workforce planning; and other topics as appropriate.

States are reminded that today is the deadline to provide input on the draft resolution on the National Environmental Performance Partnership System. For more information, please contact Beth Graves at bgraves@ecos.org. [Parisien]

Water Committee

The Water Committee will meet via conference call on **March 13 at 2 – 3 p.m. Eastern**. Jim Taft, Executive Director of the Association of State Drinking Water Administrators (ASDWA), will

provide highlights of the recently-released EPA-ASDWA *Drinking Water State Needs Report*. Jeanne Christie, Executive Director of the Association of State Wetlands Managers (ASWM), will discuss potential ECOS support for an effort with U.S. EPA to clarify assumable/nonassumable waters through a revision to the CWA 404 state program regulations. The call will close with a review of a proposed edit to ECOS Resolution 08-3: *State Delegation of Clean Water Act Section 404 Permit Program*. [Garrigan]

Data Management Workgroup

The Data Management Workgroup (DMWG) will meet via conference call on **March 12 at 2 – 3 p.m. Eastern**. U.S. EPA will walk states through its new Shared CROMERR Services via webinar. Information to access the webinar was forwarded to DMWG members March 7. For more information, contact lgarrigan@ecos.org. [Garrigan]